

Notice of Allowability

Application No.

10/520,422

Examiner

Hoai-An D. Nguyen

Applicant(s)

DAVIES, MARK IAN

Art Unit

2858

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the preliminary amendment filed on 1/6/05.
2. ☒ The allowed claim(s) is/are 1-7.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 010605
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

1. Receipt is acknowledged of the preliminary filed on January 6, 2005. Claims 1-7 are pending in the application.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

The purpose of the examiner's amendment was to correct minor informalities in the specification and claims in order to place this application in condition for allowance.

3. The application has been amended as follows:

IN THE SPECIFICATION:

- Page 1: insert the following new section to the present application. The new section has been inserted right below the title.

-- CROSS-REFERENCE TO RELATED APPLICATION

This application is a 371 National Phase of the International Application No.

PCT/EP03/06505 filed June 20, 2003, claiming priority to a Foreign Application:

EUROPEAN PATENT OFFICE (EPO) No. 02254834.1, filed July 10, 2002. --

Art Unit: 2858

- Page 1: new section heading -- BACKGROUND OF THE INVENTION -- has been inserted right below the above new section CROSS-REFERENCE TO RELATED APPLICATION.
- Page 1: new section heading -- FIELD OF THE INVENTION -- has been inserted right below the above new section CROSS-REFERENCE TO RELATED APPLICATION and right above line 1 of the first paragraph.
- Page 1: new section heading -- DESCRIPTION OF PRIOR ART -- has been inserted between line 5 and line 6.
- Page 2: new section heading -- SUMMARY OF THE INVENTION -- has been inserted between line 4 and line 5.
- Page 2: new section heading -- DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENTS -- has been inserted between line 24 and line 25.

IN THE CLAIMS:

In claim 1:

- Line 12: "(c)" has been replaced with -- (d) --.
- Line 14: "(d)" has been replaced with -- (e) --.

Allowable Subject Matter

4. Claims 1-7 are allowed.
5. The following is an examiner's statement of reasons for allowance:

With regard to claim 1, the prior art (especially references in the IDS and the attached PTO-892 form) does not teach, suggest or render obvious the combinations as claimed method of calibrating a gauge for measuring film weight, the gauge including a probe, including:

- Determining a universal calibration constant for a material from a first standard having a known capacitance and weight;
- Calculating the difference between the measured weight and the known weight of the second standard to obtain a calibration variable; and
- Either resetting the calibration variable so that the measured weight of the second standard corresponds to its known weight, thereby recalibrating the gauge, or cleaning the tip of the probe.

For example, the US Patent No. 5,293,132 to Koch teaches a gauge using frequency to determine the thickness of a coating (Column 20, lines 22-67), but it does not teach a method for calibrating a gauge by determining a universal calibration constant from a first standard and calculating the difference between the measured weight and the known weight of the second standard to obtain a calibration variable.

With a different approach, the US Patent No. 6,078,042 to Fellows teaches a method for calibrating a gauge using a calibration standard including an optical interference filter (Column 10, claim 11), but it does not teach a method for calibrating a gauge by determining a universal calibration constant from a first standard and calculating the difference between the measured weight and the known weight of the second standard to obtain a calibration variable.

Another different approach, the US Patent No. 6,369,381 to Troxler et al. teaches a method for calibrating a nuclear gauge using a variable radiation filter and radiation detector and

Art Unit: 2858

calculating calibration constants using accumulated counts of scattered radiation, but it does not teach a method for calibrating a gauge by determining a universal calibration constant from a first standard and calculating the difference between the measured weight and the known weight of the second standard to obtain a calibration variable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

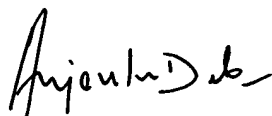
CONTACT INFORMATION

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoai-An D. Nguyen whose telephone number is 571-272-2170. The examiner can normally be reached on M-F (8:00 - 5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diane Lee can be reached on 571-272-2399. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2858

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



ANJAN DEB
PRIMARY EXAMINER

Hoai-An D. Nguyen
Examiner
Art Unit 2858

HANDN